

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

OCT 29 AM 9:43

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
07 MJ 25 18

UNITED STATES OF AMERICA,

Plaintiff,

v.

Adriana Elva DIAZ

Defendant,

Magistrate Case No. _____ DEPUTY

COMPLAINT FOR VIOLATION OFTitle 8, U.S.C., Section 1324(a)(2)(B)(iii)
Bringing in Illegal Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

On or about **October 21, 2007**, within the Southern District of California, defendant **Adriana Elva DIAZ** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Andrea BAHENA-Reza**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Signature of Complainant
Mario Avila, U. S. Customs and Border
Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this **29th** day of **October, 2007**.



United States Magistrate Judge

Received at: 10:49AM, 10/22/2007

OCT-22-2007 11:09

P.03

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Sara Esparagoza, declare under penalty of perjury the following to be true and correct:

The complainant states that Andrea BAHENA-Reza is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On October 21, 2007 at approximately 4:20 AM Adriana Elva DIAZ (Defendant) made application for admission into the United States at the San Ysidro Port of Entry as the driver and sole visible occupant of a white 2000 Pontiac Grand Am. Defendant gave a negative customs declaration to a United States Customs and Border Protection (CBP) Officer and claimed United States Citizenship by birth in Los Angeles, California. Defendant stated she borrowed the vehicle from her grandmother and was traveling to San Diego, California. During a cursory inspection of the vehicle the officer discovered a human being concealed in a non-factory compartment located under the two front seats and the center console of the vehicle. Defendant and the vehicle were escorted to vehicle secondary for further inspection.

During secondary inspection, CBP Officers removed the two front seats and the center console of the vehicle. One individual was removed from inside the compartment underneath the seat and center console. The individual was determined to be a citizen of Mexico with no entitlements to enter the United States. The individual was retained as a Material Witness and is now identified as Andrea BAHENA-Reza.

During a video recorded interview, Defendant was advised of her Miranda Rights, acknowledged her rights and elected to answer questions without the benefit of counsel. Defendant admitted knowledge of the concealed alien. Defendant admitted she was going to receive \$1,000.00 USD if she were successful in smuggling the undocumented alien to a McDonalds restaurant in San Diego, California.

During a separate recorded interview, Material Witness admitted she is a citizen of Mexico without legal rights or documents to enter the United States. Material Witness stated a friend in Los Angeles, California was going to pay \$2,000.00 USD for her to be smuggled into the United States. Material Witness stated she was going to Los Angeles, California to seek employment.

EXECUTED ON THIS 22nd DAY OF October 2007 AT 0800.


Sara Esparagoza / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on October 21, 2007 in violation of Title 8, United States Code, Section 1324.


MAGISTRATE JUDGE

10/22/07 at 11:25am
DATE / TIME

TOTAL P.03